IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.3569 OF 2004

Shantavva Basgonda Basargi-Birajdar, Applicant.

VS

The State of Maharashtra, Respondent

Mr.Ranjit More, for the applicant.

Mr V.B.Konde-Deshmukh, APP for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 31st AUGUST, 2004.

PC:

1. Heard Mr. More, learned counsel for the applicant and Mr.Konde-Deshmukh, learned A.P.P for the respondent.

2. The applicant has approached this Court for being released on bail in C.R.No.15 of 2004 registered with Umadi police station, District-Sangli, under sections 302,342,436,427,143,147,148,149,504 and 120(B) of IPC. The crime has been registered against 43 accused. The occurrence in the instant case took place on 21.3.2004 at 12 noon, in which all the accused persons including the present applicant allegedly attacked the family of the deceased. According to the prosecution, the entire family, consisting of five members, was confined in their house, and thereafter the house was set on fire. The inmates of the house could not light their way

through a roaring inferno of flames, as a result of which all the five persons died in the occurrence. Undoubtedly, the crime committed by the accused persons was inhuman and cruel. In so far as the present applicant is concerned, it is alleged that she was one of the accused persons who was supplying fodder for setting the house ablaze. Some witnesses named her in their statements and attributed her the aforesaid overtact. It is clear from the statements of the witnesses that male accused persons were setting the house ablaze and throwing fodder in flames. The investigation in the instant crime is complete. The chargeheet has already been filed. Mr More, learned counsel for the applicant, therefore, pressed this application relying on the first proviso to section 437 of Cr.P.C.

3. The law is well settled that even in a case, the accused are tied up with the aid of section 147 of I.PC, role of each person can certainly be evaluated for the purpose of bail and those whose role is not serious can be more liberally considered. In the present case, the alleged role of the applicant was not as serious as of the other accused who were actively involved in setting the house on fire and throwing fodder in flames. Moreover, the present applicant is an old woman. In

view thereof, I am inclined to enlarge her on bail.

4. The applicant is directed to be enlarged on bail on her furnishing a personal bond of Rs.15,000/- with one or two sureties of the like amount to the satisfaction of the trial Court subject to condition that she shall report the concerned police station on every alternate Saturday between 10 am and 12 noon for a period of six months.

. While allowing this application, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall decide the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.BHOSALE, J.)